

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

VICTOR MICHAEL ALESİ,

Plaintiff,

v.

ST. JOSEPH COUNTY JAIL, et al.,

Defendants.

CAUSE NO. 3:19-CV-919-RLM-MGG

OPINION AND ORDER

Victor Michael Alesi, a prisoner without a lawyer, filed a complaint (ECF 1) against St. Joseph County Jail and St. Joseph County Sheriff's Department. The court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915A. A filing by an unrepresented party "is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted).

Mr. Alesi, who is housed at the St. Joseph County Jail, alleges that prison officials asked him about his religion after he was booked on September 28, 2019. (ECF 1 at 2.) He says he told them that he is Christian. (*Id.*) A few days later, Mr. Alesi asserts he filled out an inmate request form asking for kosher meals. (*Id.*) He claims that he made seven requests for kosher meals and filed a grievance because he didn't receive kosher meals. (*Id.*) Mr. Alesi claims that

Captain Olmstead asked him why he requested kosher meals when he is Christian. (*Id.*) He told Captain Olmstead that he is of “Christian/Jewish decent.” (*Id.* at 3.) Mr. Alesi then filed a second grievance but claims he still has not received his kosher meals. (*Id.*)

Mr. Alesi appears to claim that he has been discriminated against on the basis of his religion because he hasn’t received his requested kosher meals. (*Id.*) He states he is being forced to “eat against [his] beliefs.” (*Id.*) Thus, Mr. Alesi seeks redress for being discriminated against for expressing his “Christian/Jewish beliefs.” (*Id.*)

Mr. Alesi has not stated a federal constitutional claim upon which relief can be granted against the defendants he has named in this lawsuit. First, he has sued the St. Joseph County Jail, but the jail is a building, not a suable entity. Smith v. Knox County Jail, 666 F.3d 1037, 1040 (7th Cir. 2012). He can’t proceed against this defendant.

Mr. Alesi has also named the St. Joseph County Sheriff’s Department as a defendant in the caption of his case. He doesn’t mention the St. Joseph County Sheriff’s Department in his complaint. Because Mr. Alesi hasn’t articulated his his reason for suing the St. Joseph County Sheriff’s Department, he can’t proceed against this defendant.

While the complaint doesn’t state a claim upon which relief can be granted, the court will give Mr. Alesi a chance to replead his claims. Luevano v. WalMart Stores, Inc., 722 F.3d 1014, 1022-1023, 1025 (7th Cir. 2013); Loubser v. Thacker, 440 F.3d 439, 443 (7th Cir. 2006). In the

amended complaint, he should explain in his own words what happened, when it happened, where it happened, who was involved, and how he was personally injured, providing as much detail as possible.

For these reasons, the court:

(1) DIRECTS the clerk to place this cause number on a blank Prisoner Complaint Pro Se 14 (INND Rev. 2/20) and send it to Victor Michael Alesi; and

(2) GRANTS Victor Michael Alesi, until **July 15, 2020**, to file an amended complaint on that form.

If Mr. Alesi doesn't respond by that deadline, this case will be dismissed without further notice pursuant to 28 U.S.C. § 1915A because the current complaint does not state a claim on which relief can be granted.

SO ORDERED on June 16, 2020

s/ Robert L. Miller, Jr.
JUDGE
UNITED STATES DISTRICT COURT